

DEC 16 2004

Atty. Dkt. No. 073442-0301

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chandler Fulton, et al.

Title: THIAMINASES AND  
THIAMINASE GENES FOR  
USE IN APOPTOTIC  
THERAPIES

Appl. No.: 09/675,509

Filing Date: 9/29/2000

Examiner: T. Ton

Art Unit: 1632

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| <b>CERTIFICATE OF FACSIMILE TRANSMISSION</b><br>I hereby certify that this paper is being facsimile transmitted to<br>the United States Patent and Trademark Office,<br>Alexandria, Virginia on the date below. |
| <u>Line Gauthier</u><br>(Printed Name)  |
| <u><i>Line Gauthier</i></u><br>(Signature)  |
| <u>December 16, 2004</u><br>(Date of Deposit)   |

**PETITION FOR REVIVAL OF APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for failure to file a timely and proper response to the Office Action mailed on December 16, 2003, which set a three-month period for response.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Required reply and/or fee;
  - (2) Petition fee (37 C.F.R. § 1.17(m));
  - (3) Statement that the abandonment was unintentional; and
  - (4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).
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- (1) Required reply and/or fee.

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The proposed reply and required fee for the above-noted Office Action in the form of a Continuing Prosecution Application and Preliminary Amendment pursuant to 37 C.F.R. § 1.53(d) is enclosed herewith.

(2) Petition fee (37 C.F.R. § 1.17(m))

The Commissioner is hereby authorized to charge the \$750.00 fee and any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

(3) Statement that the abandonment was unintentional.

Applicant hereby states that the entire delay in filing the required reply, from the due date for the reply until the filing of this petition, was unintentional.

(4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

Respectfully submitted,

Date December 16, 2004

By 

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